

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

THE STATE OF OHIO,)	
)	
and)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Plaintiffs,)	
)	
v.)	Civil Case No. 23-cv-517
)	Hon. John R. Adams
)	
NORFOLK SOUTHERN RAILWAY)	
COMPANY,)	
)	
and)	
)	
NORFOLK SOUTHERN)	
CORPORATION,)	
)	
Defendants.)	
_____)	

UNITED STATES OF AMERICA’S
NOTICE OF LODGING OF PROPOSED CONSENT DECREES

Plaintiff United States of America, by and through its undersigned attorneys, respectfully lodges the attached proposed Consent Decree with this Court.

1. Plaintiff United States of America filed a Complaint against Norfolk Southern Railway Company and Norfolk Southern Corporation (collectively “Norfolk Southern” or “Settling Defendants”) on March 30, 2023, and amended the complaint on May 19, 2023 [Dkt. 22], under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), 42 U.S.C. § 9607, and Sections 309 and 311 of the Federal Water Pollution Control Act (also known as the Clean Water Act or “CWA”), 33 U.S.C. §§ 1319 and 1321. Plaintiff seeks penalties and injunctive relief under the CWA, recovery of its response

costs under CERCLA, as well as damages for injury to, loss of or destruction of natural resources under CERCLA.

2. Defendants have entered into the proposed Consent Decree which has been signed by authorized representatives of the United States and the Defendants.

3. The Court should not enter the attached proposed Consent Decree until the public has had an opportunity to comment and the United States has addressed those comments, if any.

4. In accordance with 42 U.S.C. § 9622(d)(2) and 28 C.F.R. § 50.7 (1996), following the lodging of the proposed Consent Decrees, the United States Department of Justice will publish notice of the Consent Decree in the Federal Register to commence a 30-day comment period.

5. If the United States receives any public comments, it will consider and file with the Court any written comments on the proposed Consent Decree along with the United States' response to those comments.

6. The United States may withdraw or withhold its consent to the proposed Consent Decree if the comments disclose facts or considerations which indicate that the proposed Consent Decree is improper, inappropriate, inadequate, or not in the public interest.

7. At the conclusion of the public comment period, the United States will either: (1) notify the Court of its withdrawal of the proposed Consent Decree, or (2) respond to any comments received and move this Court to enter the proposed Consent Decree.

8. This commenting procedure is also identified and articulated in the proposed Consent Decree itself. See Consent Decree, Paragraph Nos. 173-174.

Wherefore, the United States respectfully gives notice of the lodging of the proposed Consent Decree.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *United States of America's Notice of Lodging of Proposed Consent Decree* was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by U.S. mail. Parties may access this filing through the Court's system.

5/23/24

Date

s/ Jeffrey A. Spector

Jeffrey A. Spector